

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MELCHOR HAWKINS, JR.,

Petitioner,

VS.

NATHANIEL QUARTERMAN,

Respondent.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. C-08-104

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO GRANT RESPONDENT'S MOTION
FOR SUMMARY JUDGMENT FOR FAILURE TO EXHAUST**

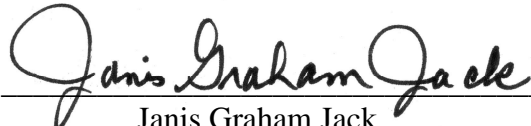
On June 26, 2008, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that respondent's motion for summary judgment (D.E. 8) be granted; and further, that petitioner be denied a certificate of appealability. On July 7, 2008, petitioner filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that respondent's motion for summary judgment is granted and this cause is dismissed without prejudice. Petitioner is denied a certificate of appealability.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 7th day of July, 2008.



Janis Graham Jack
United States District Judge